

APPROVED: Meeting No. 45-90

ATTEST: *Sharon A. Dean*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 43-90

October 29, 1990

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on October 29, 1990, at 7:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: Worksession on Finance Issues

Homestead Property Tax Credit

The Director of Finance noted the recent change in state law effective January 1, 1991. The 15% statewide ceiling on the amount of increase in a residential property's assessment has been abolished, and the counties may now set their own ceiling which can be no greater than 10%. This ceiling applies only to owner-occupied residential properties for which there has been no change in ownership in any given year. If the City has not made a decision as to a ceiling by January 10, 1991, then the ceiling applied to City residential properties would default to the percentage adopted by Montgomery County.

Staff recommends 10% as the ceiling, and the City Manager commented that the trend among other municipalities in the state seems to be 10%. It was noted that the

difference between a 5% ceiling and a 10% ceiling next fiscal year would be \$498,000; however, there would be an opportunity to impact the amount of revenues the City collects through the tax rates applied to all classes of property.

It was agreed that a ceiling of 10% would be adopted by the City of Rockville and an ordinance to this effect will be prepared for Mayor and Council action.

Outside Agency Guidelines

The City Manager noted that a lot of improvements have already been initiated in processing outside agency requests, including the use of a rudimentary application form along with some guiding principles last fiscal year. He also indicated that the guidelines imply that everyone will compete equally although the City has never funded a totally private agency. With the need to further tighten the budget next year, the Mayor and Council may want to use these guidelines to avoid raising expectations of outside agencies.

Councilmember Robbins brought up the issue of continued funding from year to year and asked if funding should be restricted to program development and provision of seed money. The City Manager responded that he does not envision year after year activities and that perhaps there should be a three-year window. Councilmember Coyle pointed out the problem with long-term services that no one else will provide. Mayor Duncan commented that there should be a method to differentiate an ongoing commitment of the City for certain programs, and that staff could possibly include these programs as part of the operating budget. Councilmember Hovsepian commented that the criteria does not limit any program despite the fact that the application requests information as to the program's prospects for long-term self-sufficiency. She agreed that those programs which have an ongoing City commitment should become part of the operating budget.

Meeting No. 43-90

3

October 29, 1990

Councilmember Coyle suggested that the City look at adopting a human services policy for the City.

Regarding the section on Goals of the City of Rockville, Mayor Duncan commented that a copy of the full report rather than excerpts should be made available to applicants. The City Manager responded that there would be a reference indicating that copies are available upon request.

Discussion followed with respect to Section A4, Overview of Guidelines, "to discourage for-profit organizations from applying." The City Manager advised Councilmember Coyle that this statement was added so as to limit the field of applicants except in situations where a for-profit organization had an extremely innovative program. Councilmember Marrinan suggested that the language of #4 in Section A be reworded as follows: "to give priority to non-profit." It was agreed that this change would be made.

Staff was asked to obtain feedback regarding these guidelines from five to ten groups who normally apply for funding.

Discussion followed regarding D3, "Applicant's diligence in seeking alternative or additional sources of funding and in-kind services including the petitioning of other governmental entities, the private sector and use of volunteers." Councilmember Marrinan asked how the City should handle requests that are clearly the responsibility of the County or State. The City Manager responded that this is compromise language and he sees an increasing use of challenge grants. Staff also advised Councilmember Marrinan that historical information as to the source of funding in previous years is always requested of applicants.

Mayor Duncan noted that the City Manager should sign the contract on behalf of the City rather than the Mayor. He requested that some type of confirmation letter be provided for his review. It was agreed that staff will follow these new guidelines in preparation of the FY92 budget.

Meeting No. 43-90

4

October 29, 1990

Councilmember Marrinan asked how other jurisdictions handle outside agency requests and if other jurisdictions would be willing to review Rockville's guidelines and provide input. The City Manager responded that staff would request the City of Gaithersburg to review these guidelines.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 7:40 p.m. for consultation with legal counsel and to discuss property disposition matters.

The Mayor and Council reconvened in Worksession at 8:05 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: Worksession with
Planning Commission

Glennon Harrison, Chairperson, Gloria Atlas, Jeryl Gegan, Yolande Langbehn, David Melnick and James Vitol discussed the following issues with the Mayor and Council.
Scheduling of Public Hearings for Text Amendment Applications

Discussion focused on the provisions of the Zoning Ordinance that text amendment applications be referred to the Planning Commission and, once the Planning Commission has reviewed the application and made a recommendation, the matter is to be set for public hearing before the Mayor and Council. The issue at hand is that there have been times when the public hearing date has been set prior to the Planning Commission's review, and the Planning Commission did not have sufficient time for input and discussion. Concern was expressed that, on occasion, the Planning Commission takes

Meeting No. 43-90

5

October 29, 1990

a long time to complete its review process, thus delaying the public hearing and the final decision on the application. The Planning Commission members indicated that they do move quickly to act on text amendments especially when an applicant requires a text amendment change to move forward with a project.

Following further discussion, it was agreed that the current procedure for processing text amendments as set forth in the Zoning Ordinance would not be changed. In cases where the Mayor and Council felt a sense of urgency to move forward with a public hearing on a particular application, a request would be made of the Planning Commission to complete their review by a certain date.

Town Center Development Issues

The Director of Community Development gave an overview of the City's traffic study which is now in the final stages of analysis and should be completed within the next four to six weeks. The analysis includes: travel times through and around Town Center; indications of areas where there are significant delays; information on cut-through traffic; intersection intensity counts; analysis of pedestrian activities; measures for pedestrian enhancements; analysis of existing traffic conditions. Councilmember Coyle was advised that the study took into account movement of right-on-red traffic. Commissioners Harrison and Atlas emphasized the need to consider pedestrian access and identify possible conflicts with traffic signal timing. Mr. Herst responded that the measures for traffic analysis are much more sophisticated than pedestrian movement which would be more qualitative than quantitative.

The City Manager commented that the Mayor and Council had approved the closure of Courthouse Square to through traffic which would positively impact pedestrian safety. Councilmember Coyle noted the increased interest of NHTSA in pedestrian and bike safety.

It was noted by Mayor Duncan that activity is down in Town Center and that

Meeting No. 43-90

6

October 29, 1990

the City is trying to generate interest in the Middle Lane and Pier One sites. Mayor Duncan commented on the Eisinger-Kilbane bankruptcy and the City's efforts to gain control of the Metro Center parking garage. Also referenced was a proposal to provide pedestrian access, via a stairway, elevator or other pedestrian connection, to the Metro overpass for residents of Americana Centre.

Street Name Designation--Whalen Development

Mayor Duncan expressed concern with the amount of time the Planning Commission was spending on issues such as street names. The Planning Commission noted a couple of examples of problems with street names that had arisen in the past; however, they felt that the majority were trivial matters and took very little time. Mayor Duncan indicated he would recommend changing the Zoning Ordinance to refer such matters to staff to handle administratively.

Discussion ensued regarding the decision of the Planning Commission denying the requested street name for the Whalen development. The Planning Commission noted that they felt the development should be tied into Courthouse Square. However, because Licenses and Inspection advised that there were insufficient numbers to maintain a Courthouse Square address, the applicant brought forth his suggestion. It was noted that in order to use the Courthouse Square address, the bank and other existing businesses would be required to change their addresses.

Other Issues

Reference was made to the application for a Wendy's restaurant at the corner of Route 28 and Rockville Pike and whether or not a variance was required. The City Attorney's opinion was that a variance was not needed and the planning staff had concurred. Chairperson Harrison indicated that the Commission had not made a decision on the variance but that some commissioners did not believe the site met the requirement for 200-feet of frontage on a major highway. Staff noted that it is clear from the

Meeting No. 43-90

7

October 29, 1990

record of the Board of Appeals hearing that the matter was debated by the Board which made a finding that the 200-foot frontage requirement was met.

Another issue raised by Mayor Duncan was the imposition of towing restrictions on use permit approvals. Commissioner Gegan responded that the Commission had requested staff to forward this issue to the City Attorney and that nothing had transpired. In response to Mayor Duncan's question as to the legality of such restrictions, the City Attorney expressed concern with imposing such restrictions as a use permit condition. Commissioner Gegan noted that it is a land use requirement rather than a regulatory issue. Again, Mayor Duncan referenced the amount of time spent by the Commission on detail. Mayor Duncan requested that the Commission try to be expeditious and consider issues in a broader context.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:18 p.m., to convene again in Public Hearing at 7:30 p.m. on November 19, 1990, or at the call of the Mayor.